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**HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME**

Relevant Portfolio Holder	Councillor P. J. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

The Licensing Committee are asked to consider the responses received during the consultation on implementing a Hackney Carriage and Private Hire Penalty Points Scheme and decide whether or not to proceed with the implementation of such a scheme.

**2. RECOMMENDATIONS**

**Members are asked to consider the responses received during the consultation exercise and RESOLVE whether or not to proceed with the implementation of a Hackney Carriage and Private Hire Penalty Points Scheme.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The costs involved in carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Many authorities across the UK operate penalty point schemes and there have been a number of legal challenges to same. In order to avoid such challenges being successful it is necessary to have a mechanism in place to allow for appeals against the imposition of penalty points, and to ensure that any decision in respect of whether, or not, to revoke a licence, once the maximum number of permissible points has been reached, is taken at the appropriate level, based on the merits of each individual case.

**Service / Operational Implications**

- 3.3 The holders of hackney carriage and private hire licences issued by the Council are subject to a number of legal requirements and licence conditions which govern how they carry out their businesses.
- 3.4 Worcestershire Regulatory Services, acting on behalf of the Council, is responsible for ensuring licence holders comply with these requirements and for taking appropriate action to deal with any licence holders who commit offences or fail to comply with their requirements.
- 3.5 The vast majority of licence holders comply with the requirements that are placed upon them, however there are various options available to officers when dealing with the small minority who are found to be committing offences or other acts of non-compliance, which can be summarised as follows:
- Verbal warnings
  - Written warnings
  - Formal cautions
  - Prosecution
  - Referral to Licensing Sub-Committee
- 3.6 The way in which offences and acts of non-compliance are dealt with by officers will depend on the circumstances of each individual case and appropriate regard is had to the Regulator's Code and relevant enforcement policies.
- 3.7 Some local authorities have introduced an additional mechanism for dealing with minor offences and acts of non-compliance with hackney carriage and private hire licensing requirements in the form of a penalty points scheme for their licence holders.
- 3.8 The basic principle of such a scheme is that individuals that are found to have committed relatively minor offences or acts of non-compliance have a number of penalty points logged against their licensing records held by the authority.
- 3.9 If an individual accumulates a given number of penalty points, within a defined period, this triggers an automatic referral of the licence holder to a Licensing Sub-Committee where consideration is given to whether the individual remains a fit and proper person to hold the relevant licence.

- 3.10 A penalty points scheme enables officers to deal quickly and efficiently with minor compliance issues and helps to identify those that are regularly not acting in compliance with their licensing requirements so that more serious action can be considered against these individuals in a targeted and proportionate way.
- 3.11 The introduction of a penalty points scheme would not affect the Council's ability to take formal enforcement action for any offence or act of non-compliance and every case will continue to be considered on its own merits.
- 3.12 For example, a penalty points scheme would not be an appropriate mechanism for dealing with serious offences or acts of non-compliance such as employing unlicensed drivers, driving without appropriate insurance or plying for hire in a private hire vehicle.
- 3.13 On 14 November 2016, the Licensing Committee approved a consultation on introducing a Hackney Carriage and Private Hire Penalty Points scheme in the Bromsgrove District. The proposed scheme that was consulted upon is shown at Appendix 1.
- 3.14 A consultation survey was sent to all hackney carriage and private hire licence holders. A copy of the consultation survey can be seen at Appendix 2. The consultation survey was also sent to:
- National Taxi and Private Hire Associations
  - West Mercia Police
  - West Mercia Safer Roads Partnership
  - Bromsgrove District Council Parking Department
  - Bromsgrove District Council Depot Management
  - Bromsgrove Taxi Association
  - Parish Councils
  - District Councillors
- 3.15 In total 15 responses were received to the consultation. The responses came from twelve licensed drivers, two Parish Councils and a District Councillor. A summary of the results of the consultation exercise can be seen at Appendix 3.
- 3.16 None of the licensed drivers who responded to the consultation were in favour of the introduction of a penalty points scheme. The District Councillor and one of the Parish Councils was in support of the introduction of a scheme, the other Parish Council did not express a clear view either way.

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- 3.17 There were a number of offences or acts of non-compliance that respondents felt the Council should not include within the penalty points scheme. Of these, officers recognise that currently Bromsgrove District Council's licensing conditions do not require drivers to carry a first aid kit in their vehicles and that therefore the failure to carry a first aid kit should be removed from the scope of any penalty points scheme implemented by the Council.
- 3.18 Both Parish Council's responding to the consultation made suggestions about amending the number of points issued in respect of different offences and acts of non-compliance.
- 3.19 A number of other comments and observations were made in response to the consultation exercise, which can be seen at Appendix 3. One driver also submitted a separate list of observations for consideration. This is attached at Appendix 4.
- 3.20 Officers recommend that the Licensing Committee consider the responses received during the consultation exercise and decide whether they wish to proceed with the implementation of a Hackney Carriage and Private Hire Penalty Points Scheme.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

Appendix 1 – Draft Penalty Points Scheme  
Appendix 2 – Consultation Survey  
Appendix 3 – Summary of Consultation Responses Received  
Appendix 4 – Additional Observations from licensed driver

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